1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA CURTIS M. JOHN-CHARLES, 10 11 Petitioner, No. CIV S-05-0175 MCE GGH P 12 VS. 13 STATE OF CALIFORNIA, et al., 14 Respondents. ORDER 15 16 On June 30, 2005, the court ordered petitioner to file further briefing within thirty 17 days addressing why he failed to exhaust all of his claims in state court before filing this action. As noted in that order, in Rhines v. Weber, U.S. , 125 S.Ct. 1528 (2005) the Supreme 18 19 Court recently held that a habeas petition may only be stayed if the petitioner can show good 20 cause for his failure to exhaust his claims in state court, On July 8, 2005, petitioner filed a response to the June 30, 2005, order. Petitioner 21 22 states that he wants this action administratively stayed. Petitioner does not address why he did 23 not exhaust all of his claims in state court before filing this action. Unless petitioner shows good 24 cause for his failure to exhaust all of his claims, the court cannot stay this action and this action 25 will have to proceed on the exhausted claims only. The court will grant petitioner one final 26 opportunity to address this issue.

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1	Accordingly, IT IS HEREBY ORDERED that within twenty days of the date of
2	this order, petitioner shall file further briefing addressing why he failed to exhaust all of his
3	claims in state court before filing this action.
4	DATED: 8/5/05
5	/s/ Gregory G. Hollows
6	GREGORY G. HOLLOWS
7	UNITED STATES MAGISTRATE JUDGE
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